

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HOSPITAL EPISCOPAL SAN LUCAS
GUAYAMA**

and

Case 12-CA-152114

**UNIDAD LABORAL DE ENFERMERAS(OS)
Y EMPLEADOS DE LA SALUD**

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-1-N97X45 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.² Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).³

Dated, Washington, D.C., September 22, 2015.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In considering the petition to revoke, we have evaluated subpoena pars. 3, 5, and 8 as modified by the Region in its opposition brief.

³ We also deny the Employer's motion to strike the Regional Director's opposition. The provisions of the Casehandling Manual are non-binding guidelines. See, e.g., *Children's National Medical Center*, 322 NLRB 205, 205 fn. 1 (1996); *Superior Industries*, 289 NLRB 834, 835 fn. 13 (1988), enfd. 902 F.2d 40 (9th Cir. 1990) (Table). Accordingly, there is no merit to the Employer's arguments that Sec. 11770.8 of the Casehandling Manual requires an opposition to a petition to revoke to be submitted within 5 days after the receipt of the petition and that the referral of the petition to the Board was invalid because it did not include a particular document set forth in the Casehandling Manual.